

East Bellevue Community Council
Summary Minutes of Special Meeting

March 12, 2002
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keffe, Wiechmann, and Seal

STAFF: Patti Wilma, Senior Planner
Carol Saari, Associate Planner

1. CALL TO ORDER

The meeting of the East Bellevue Community Council was called to order at 6:30 PM with Chair Bell presiding.

2. ROLL CALL

Upon roll call by the Deputy City Clerk, all Councilmembers were present. The flag salute was led by Chair Bell.

3. COMMUNICATIONS – WRITTEN AND ORAL

James Eder, 15422 SE 7th Place, reported on the status of his proposed Comprehensive Plan Amendment, noting staff's recommendation that his proposal not move forward. He solicited the Council's input on how to best represent his proposal to the Planning Commission.

Chair Bell read Resolution No. 441 into the record, commending past Community Councilmember Don Lemieux's exemplary public service. Chair Bell provided a copy of the commendation to Mr. Lemieux.

Chair Bell next announced the birthday of fellow Councilmember Jim Keffe. He called a brief recess and invited meeting attendees to partake in birthday cake.

Chair Bell reconvened the meeting at 6:50 PM.

4. APPROVAL OF AGENDA

Mr. Halgren moved approval of the agenda, and Mr. Keffe seconded the motion.

Mr. Keffe requested the addition of items 11(a), Mr. Eder's proposed Comprehensive Plan Amendment; 11(b), Letter to RW Scott Construction Company regarding the 140th Improvement Project; 11(c), Richard Ungar Chapin's newspaper articles which appeared in the Eastside Journal; 11(d), RCW 42.17.095(8); 11(e), Bellevue Way expansion; 11(f), Closures of

businesses in the East Bellevue area. Mr. Keffe next requested the addition of item 10(a), East Bellevue Community Council meeting notices.

Mr. Halgren asked Council to amend the agenda to include item 10(b), Robinswood Park Master Plan; 11(g), West Lake Hills Urban Design and Character Study; 11(h), Front yard setback variances; 11(i), Kathleen Miller letter regarding Lake Hills Shopping Center; and 11(j), QFC chronology.

Motion to approve the agenda as amended carried 5-0.

5. PUBLIC HEARINGS:

- (a) Ordinance No. 5359 reclassifying property located in the Crossroads Subarea from OU, O and PO to R-1, R-2.5, R-4, R-10, R-15 and Office on request of the City of Bellevue and known as the East Bellevue Rezone Project.

Chair Bell clarified the procedure to be followed for this public hearing, stating that Legal Counsel has suggested that this proceeding be treated as “quasi judicial”.

Chair Bell opened the public hearing. He polled the Council as to any ex parte communication or personal gain as a direct result of the adoption of this legislation.

Council replied in the negative. Council disclosed the receipt of an email from Scott Leonard dated February 11th addressed to Kathleen Burgess and copied to the Community Council, and a letter written by Sal Mineo addressing the subject of this public hearing. Both communications are available at tonight’s proceedings for public review.

Chair Bell asked the audience if there were any objections to any member of the Council participating in this matter. Hearing none, Chair Bell proceeded with the hearing.

Mr. Keffe noted that blanket rezones such as presented tonight did not require “quasi judicial” treatment and objected to moving forward with the proceedings under that guise. He stated his personal objection to going outside the requirements of the law but understood the desire to be as circumspect as possible.

Carol Saari, Department of Planning and Community Development, stated the City of Bellevue is requesting reclassification of 17 parcels for a total site area of approximately 36 acres from Open Use and Office to R-1, R-2.5, R-4, R-10, R-15 and Office in accord with the Land Use Diagram of the Crossroads Subarea of the Bellevue Comprehensive Plan. She provided a brief history of this rezone package dating back to 1995. Ms. Saari explained that the City of Bellevue owns approximately 14 acres of the proposed rezone area for drainage purposes.

Patti Wilma, Department of Planning and Community Development, reviewed the status of the Hartson/Wade property, stating the settlement agreement effectively set the zoning and is not required to reapply.

Eckart Schmidt, 55 151st Place NE, stated that he has followed this particular rezone through all its iterations. He explained his vision that some day the area along Kelsey Creek would be used as an extension of the Lake Hills Greenbelt and expressed disappointment that this area would be designated R-1 or R-2.5. He stated his desire for an additional zoning category to designate this property park land.

Frank McLean, 14717 NE 4th Place, expressed his concern regarding the Hartson/Wade property and, in particular, the wetland area.

Mel Larson, 452 147th Place NE, reported on clearing activities on the Hartson/Wade property.

In response to Mr. Keeffe, Mr. Larson stated the tractors are entering the property off of 148th.

Sal Mineo, 15125 NE 6th Street, stated he too observed machinery equipped with augers yesterday and the day before on NE 6th Street immediately east of 148th Avenue. He asked that his letter dated March 5, 2002 be entered into the record. He stated that he was of the opinion that the proposed rezone opens the door to tremendous mischief, portraying the subject properties as useable, saleable, purchasable, and buildable.

Mr. Larson provided an early history of the area.

Mr. Keeffe referenced the staff report, stating his displeasure regarding the inaccuracies found on the current zoning map employed by the City of Bellevue. He addressed the misnomer of residential zoning designations and allowable building units under minimum lot density.

Mr. Keeffe next reminded staff of the Community Council's prior request for unpackaged rezone proposals.

Mr. Keeffe questioned why Pinewood Village was not depicted as a sensitive area. Responding, Ms. Saari stated the map was made from aerial photographs. In response to questions regarding the staff report, Ms. Saari stated the City responded to citizen concern about wetlands on the Hartson/Wade property by stating when a development proposal is submitted, the Sensitive Areas regulations of the Land Use Code will apply. The developer will be subject to the wetland regulations and be required to hire a wetland biologist to field locate the wetlands on site.

Continuing to respond to Mr. Keeffe, Ms. Saari stated that the designation of Public Facilities (PF) exists in the Comprehensive Plan for schools, etc.

Mr. Keeffe continued his review of the staff report. He stated his difficulties with supporting the staff's recommendation.

Mr. Seal provided a brief historic retrospective of the rezone proposal.

Mr. Halgren questioned if there was a way to limit the “mischief” when zoning designations do not match usability of land. In response, Ms. Saari stated that it is standard operating procedure when an inquiry is made, to review the sensitive area notebook in addition to the zoning maps. Ms. Wilma suggested that possibly the zoning map could be overlayed with the sensitive area map.

In response to Mr. Halgren’s concern related to access restrictions from 148th Avenue, Ms. Saari stated that access is addressed at the time of development.

In response to Mr. Mineo, Ms. Wilma stated that building is not allowed in the 100 year floodplain.

Mrs. Wiechmann stated her support for a wetland zoning designation.

Chair Bell asked staff to retrace events since 1996 in regards to Sherborne Village. Ms. Saari stated that after the 1995 decision, Sherborne Village applied for a Planned Unit Development and a rezone including the westerly portion to R-2.5 and R-3.5. The East Bellevue Community Council adopted the rezone with Resolution No. 379.

Continuing to respond to Chair Bell, Ms. Saari retraced the sequence of events regarding the Hartson/Wade property and the subsequent zoning of R-10.

Mr. Keffe added a final comment on traffic and safety. He reiterated the inconsistencies with zoning and buildable units using current lot density calculations. Ms. Saari responded that the density calculations take into consideration new streets and drainage easements for new development.

Ms. Wilma stated that easements can be counted in the total lot area.

Hearing no further public input, Mr. Keffe moved to close the public hearing. Mr. Seal seconded the motion which carried 5-0.

Mr. Halgren stated his concern with ingress/egress to 148th. He stated he would support Ordinance No. 5359.

Chair Bell summarized his concerns but stated he too would support the proposed legislation.

Mrs. Wiechmann stated her discomfort with the proposed zoning categories.

Mr. Keffe summarized his displeasure with the proposed legislation, listing the practice of packaging rezones as one of his main objections. He stated he would be voting against Ordinance No. 5359.

Chair Bell reiterated the advantage to the public when such rezones are considered separately.

6. RESOLUTIONS

- (a) Resolution No. 442, adopting City of Bellevue Ordinance No. 5359

Mr. Seal moved approval of Resolution No. 442 adopting City Council Ordinance No. 5359.

Mr. Halgren seconded the motion which carried with a vote of 3-2. Councilmembers Keffe and Wiechmann opposed.

7. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS: None.**8. DEPARTMENT REPORTS**

- (a) 156th Avenue SSE – North of Lake Hills Boulevard to SE 24th Street

Chair Bell noted there was no staff in attendance. He requested that the Council's previous request for staff presence be resubmitted.

- (b) 140th Avenue Improvement Project

Chair Bell noted Mr. Wagner's written report published in the Council's packet.

9. COMMITTEE REPORTS

Chair Bell reported on the activities of the West Lake Hills Citizen Advisory Committee. He presented Council with the Citizen Advisory Committee's February 21, 2002 meeting summary, highlighting the strategies of community-driven projects.

Mr. Mineo reported on his subcommittee's activities, stating their focus on the revitalization of the area shopping centers.

10. UNFINISHED BUSINESS

- (a) East Bellevue Community Council Meeting Notice

Mr. Keffe noted the absence of the Community Council's meeting notice in the Eastside Journal.

The Clerk explained that the meeting notice for the March meeting was faxed late Friday afternoon which may have been too late for publication.

Chair Bell reported the meeting notice was published in the March 12th issue.

- (b) Robinswood Park Master Plan

Mr. Halgren reported on the response from the Parks Department, stating no master plan per se exists for Robinswood Park, but, instead, the 1971 Design Plan was being used in its stead. He suggested that staff be invited to attend Council's next meeting to discuss the plan and changes to the park since 1971. Mr. Halgren indicated a primary interest in the health of the Robinswood pond. There was Council consensus to request staff's presence.

11 NEW BUSINESS:

(a) James Eder's CPA Proposal

There was Council consensus to respond to Mr. Eder individually.

(b) 140th Project Commendation

Mr. Keeffe praised the professionalism of RW Scott Construction and staff for their efforts related to the 140th Avenue Improvement Project. He suggested that Council send a letter expressing the Council's appreciation to Mike Kivley and Melissa Floyd for their outstanding work. He expounded on their enlightened decision to construct the 140th Avenue Redevelopment Project's privacy/acoustical walls in a timely manner, rather than waiting to do so until the latter stage of the project, as was initially envisaged.

Chair Bell shared his personal experience working with Mr. Kivley and Ms. Floyd, stating he concurred with Mr. Keeffe's praise.

There was Council concurrence to send a letter of appreciation to both individuals with copies to RW Scott Construction Company and the City of Bellevue.

(c) Richard Ungar Chapin's Newspaper Articles

Mr. Keeffe spoke regarding an article that appeared in the Eastside Journal on October 20, 2001 by Richard Chapin. Mr. Keeffe stated this article was in fact written by Mab Tosher. He stated that upon informing the E.J. of their mistake in attributing the article to Mr. Chapin, the newspaper made a lame attempt to correct the misimpression in a small correction/clarification appearing in a subsequent publication. Mr. Keeffe asked Council to draft a letter to the Eastside Journal stating the Council's dismay that the newspaper did not see fit to disassociate itself from the politics between the City and Community Councils.

There was Council discussion and it was agreed to let the matter remain in the past and move on with the business at hand.

(d) RCW 42.17.095(8)

Mr. Keeffe reported on the Public Disclosure Commission's findings in regards to Mayor Marshall's campaign violations. He stated the Commission has found Ms. Marshall guilty and has fined her \$100. He suggested that the Community Council go on record requesting that, in

light of the Mayor's demonstrated bias, Mayor Marshall recuse herself from participating in any item having to do with the East Bellevue Community Council. In addition, he suggested the Community Council write a letter to the City Council asking them to consider sanctioning the Mayor who broke Washington State campaign law. There was Council consensus to have Mr. Keeffe combine his two issues into one letter to the City Council.

(e) Bellevue Way Expansion

Mr. Keeffe reported on the proposed expansion of Bellevue Way. Although this is out of the Community Council's area, he proposed that the Council send a letter to the City stating concern about such an expansion through a residential area. He stated the traffic problem should be solved on I-405. There was Council consensus supporting such a letter.

(f) Business Closures in East Bellevue

Mr. Keeffe reported on a recent article regarding yet another business closure in East Bellevue. He stated for the record that the closure of Albertson's, the loss of QFC to the Lake Hills Shopping Center, the upcoming closure of K-Mart in the Kelsey Creek Shopping Center, the departure of Microsoft years ago, and the decision to relocate Boeing's corporate offices to Chicago had nothing to do with the East Bellevue Community Council. Mr. Keeffe suggested the Community Council relay its shared distress over these closures to City Councilmember Noble. There was Council consensus.

(g) West Lake Hill Urban Design and Character Study

Mr. Halgren stated this topic was adequately covered earlier under Committee reports.

(h) Front Yard Setback Variances

Mr. Halgren referred to the Weekly Permit Bulletin dated March 7, 2002 that noted the re-notice of application for a front yard setback variance to reduce front yard setback from 20 feet to 3 feet 10 inches from Pleasure Point Lane and to reduce the front yard setback from 20 feet to 5 feet from SE 60th Street. Although this variance is outside the Community Council's jurisdictional boundaries, he stated concern that such a variance might set a dangerous precedent. He suggested that the Council send a letter to that affect to the appropriate person. There was Council agreement to send a letter reflecting Mr. Halgren's concern, and asking if extenuating circumstances are involved.

(i) Kathleen Miller letter regarding Lake Hills Shopping Center

Mr. Halgren reported on Kathleen Miller's concerns related to the Lake Hills Shopping Center. He volunteered to write Ms. Miller a response on behalf of the Community Council. There was Council concurrence.

(j) QFC Chronology

Mr. Halgren stated, after review of the chronology of QFC's development proposals to the East Bellevue Community Council, he felt it should be noted that representatives of that Corporation have been forthright in representing their plans for expansion in the East Bellevue area. Mr. Halgren stated his feelings that it would be appropriate to send a letter commending these individuals for their exemplary corporate citizenship. Council concurred.

(k) Telecommunication Tower at Lake Hills

Mr. Seal noted the proposal to replace the existing 45 foot tower with a 65 foot telecommunication tower at the Lake Hills Shopping Center.

Chair Bell reminded Council of the telecommunication website materials recommended by Carol Morris and directed the Clerk to obtain a copy for the Community Council.

12. CONTINUED COMMUNICATIONS

The Clerk announced that she would be out of the office next week to attend the annual Washington State Municipal Clerks Conference in Chelan.

Chair Bell reported that the Clerk was preparing the Community Council's performance measures for the upcoming budget cycle, very much like the one prepared two years ago. Council concurred with the "Next Steps" as drafted.

13. EXECUTIVE SESSION: None

14. APPROVAL OF MINUTES

Mr. Seal moved to approve the summary minutes of the February 5, 2002 regular meeting as revised. The motion was seconded by Mr. Halgren and carried with a vote of 5-0.

15. ADJOURNMENT

Mr. Keeffe moved adjournment. Mr. Seal seconded the motion which carried 5-0. The meeting of March 12, 2002 adjourned at 10:43 PM.

Submitted by:

Michelle Murphy, CMC
Deputy City Clerk